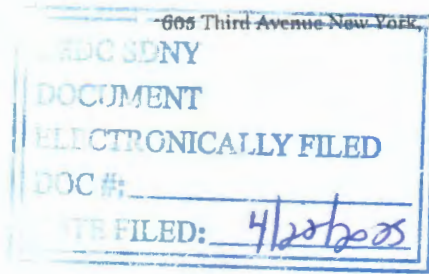


KATSKY | KORINS LLP



605 Third Avenue New York, NY 10158 PHONE 212.953.6000 FAX 212.953.6899 www.katskykorins.com

WRITER'S DIRECT DIAL | 212.716.3293

WRITER'S DIRECT FAX | 212.202.6071

WRITER'S EMAIL | dwalfish@katskykorins.com

April 21, 2025

VIA ECF

Judge Colleen McMahon  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 24A  
New York, New York 10007

*Conference adjourned to 6/5/2025  
at 10:00 am.*

Re: Brand Engagement Network, Inc. v. AFG Companies, Inc., No. 25 Civ. 2245(CM)

Dear Judge McMahon:

MEMO ENDORSED

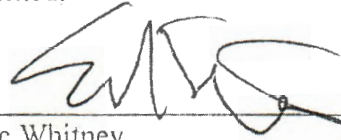
*Colleen McMahon*  
*4/22/25*

This is a joint letter on behalf of the parties pursuant to the Court's Order Scheduling an Initial Pretrial Conference (ECF 6) and Your Honor's Individual Rules of Practice, items I.D. and III.

Despite diligent meeting and conferring, the parties were not able to agree on a case management plan. We understand that Your Honor intends to proceed with the initial pretrial conference, which is currently scheduled for Thursday, April 24, 2025 at 10 a.m. The parties request that this conference date be adjourned to another date in the near future (the parties' first request to extend this deadline, and one that will not affect any other scheduled dates). The reason for the request is that Plaintiff's undersigned counsel has pre-existing travel plans that will have him on a plane to Texas at the scheduled time.

Plaintiff's counsel is flexible all next week. Next week Defendant's counsel cannot attend a conference starting before 11:30 am on Monday, April 28 or one starting in the window 11 am to 1 pm on Tuesday, April 29, in each case because of previously scheduled doctor's appointments that cannot readily be moved. Both counsel are available at 10 am on Tuesday, Wednesday, or Thursday (April 29-30, May 1).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric Whitney', written over a horizontal line.

Eric Whitney  
*Counsel to Plaintiff Brand Engagement  
Network, Inc.*

A handwritten signature in black ink, appearing to read 'Daniel R. Walfish', written over a horizontal line.

Daniel R. Walfish  
*Counsel to Defendant AFG Companies, Inc.*